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13 *Indirect Purchaser Plaintiffs*
14 *Interim Co-Lead Class Counsel*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES
ANTITRUST LITIGATION,

Case No. 4:13-md-02420 YGR (DMR)

MDL No. 2420

This Document Relates to:

JOINT STATUS REPORT RE SETTLEMENTS

ALL INDIRECT PURCHASER ACTIONS

Judge: Hon. Yvonne Gonzalez Rogers
Court: Courtroom 1, 4th Floor

1 Pursuant to the Court's order of May 1, 2018 (ECF No. 2276) and its order of May 15,
 2 2018 (ECF No. 2315), Indirect Purchaser Plaintiffs ("IPPs") and Defendants Samsung SDI Co.,
 3 Ltd. and Samsung SDI America, Inc. ("SDI"), TOKIN Corporation ("TOKIN"), and Toshiba
 4 Corporation ("Toshiba") (collectively, the "Settling Defendants"), hereby write to jointly advise
 5 the Court of the status of their executed settlement agreements.

6 As IPPs previously stated, a Ninth Circuit panel recently issued an opinion, on January 23,
 7 2018, in *In re Hyundai & Kia Fuel Economy Litigation*, 881 F.3d 679 (9th Cir. 2018), which
 8 addressed certification of a nationwide settlement class involving claims arising from state law.
 9 The ultimate fate of *Hyundai* remains uncertain, as petitions for *en banc* review have been filed
 10 on behalf of the settlement class and defendants,¹ with support from several *amici curiae*. IPPs
 11 continue to believe that consideration of the settlement agreements here should be deferred, given
 12 the uncertain status of *Hyundai*.² Furthermore, as this Court knows, objector appeals of the
 13 Court's prior final approval orders are now pending in the Ninth Circuit, which may provide
 14 additional guidance on objections that are likely to be re-lodged with respect to the latest
 15 settlements. We have no doubt that the proposed settlements merit court approval, and that this
 16 Court will be armed to make the appropriate findings regardless of the status of *Hyundai*;
 17 however, a brief delay to obtain additional information may help the Parties and the Court to
 18 proceed with greater focus. Accordingly, with this Court's permission, IPPs will defer seeking
 19 preliminary approval of the settlement agreements. IPPs and the Settling Defendants will file a
 20 further status report on the earlier of (a) one week after any action by the Ninth Circuit resolving
 21 any of these uncertainties; or (b) 30 days from the date of this Status Report. Settling Defendants
 22 do not oppose this 30-day deferral in filing for preliminary approval, but reserve their rights
 23 regarding any request for an additional deferral.

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26 ¹ See Pls.-Appellees' Pet. for Rehearing En Banc, *Hyundai*, No. 15-56014 (9th Cir. Mar. 8, 2018),
 27 ECF No. 102; Defs.-Appellees' Pet. for Rehearing En Banc, *Hyundai*, No. 15-56014 (9th Cir.
 28 Mar. 8, 2018), ECF No. 103.

29 ² See Order, *Michael Edenborough, et al. v. ADT, et al.*, No. 16-cv-02233-JST (N.D. Cal. Mar.
 29, 2018) (deferring consideration of a settlement in a consumer class action).

1 Dated: July 13, 2018

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By: /s/ Brendan P. Glackin

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ATTESTATION

2 I, Brendan P. Glackin, attest, pursuant to Northern District of California, Local Rule 5-
3 1(i)(3) that concurrence in the filing of this document has been obtained from each of the
4 signatories hereto.

By: /s/ Brendan P. Glackin
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